

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

VIRGINIA MCKINNE BROOKS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 4:04CV291-P-S

NORTHWEST AIRLINES, INC., et al

DEFENDANTS

ORDER

This cause is before the Court on defendant Memphis-Shelby County Airport Authority's Motion for Summary Judgment [50]. The Court, having reviewed the motion, the response, the briefs of the parties, the authorities cited and being otherwise fully advised in the premises, finds as follows, to-wit:

Defendant articulates several bases for its motion; however, the Court need only address one to fully dispose of the motion. MSCAA is a Tennessee governmental entity; suits brought against it for personal injuries are subject to the provisions of Tenn. Code Ann. § 29-20-101 et seq. Pursuant to the statute, plaintiff had to provide MSCAA with sixty days written notice prior to filing suit. Plaintiff has failed to come forward with any evidence demonstrating a genuine issue of material fact regarding her compliance with the statutory notice provision. Accordingly, defendant's motion for judgment as a matter of law is well-taken and should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED that defendant Memphis-Shelby County Airport Authority's Motion for Summary Judgment [50] is well-taken and should be, and hereby is, GRANTED. IT IS FURTHER ORDERED that Memphis-Shelby County Airport Authority is hereby DISMISSED as a party defendant.

SO ORDERED, this the 23rd day of September, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE